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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,889	10/25/2001	Victoria Ann Rebar	PU010237	3203

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EXAMINER

CLEVELAND, MICHAEL B

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,889

Applicant(s)

REBAR ET AL.

Examiner

Michael Cleveland

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 12-17 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6: The claim appears to be impossible because it requires applying microcrystals to the film formed by applying the film formulation *before* applying the film formulation and thereby forming the film. However, the support in the specification states that the microcrystals are applied prior to applying *the layer of aluminum* rather than the lacquer film (p. 5, lines 30-33). For purposes of applying art, the claims was treated as including this possibility.

Claim 12: The phrase “whereby said OPC is dissolved and encapsulates individual phosphor particles resulting in an fixed phosphor elements” is unclear because the term “said OPC” lacks antecedent basis. It appears that the problem may be resolved by changing “said OPC” to “said fixative”.

Claims 16-17: The metes and bounds of the claims are not clear because the phrase “and evaluating values of gloss such that values exceeding a threshold figure will be further processes and those not meeting said figure are scrapped” is unclear. The phrase states that “values” are further processed or scrapped, but the specification implies that it is screens that would be further processed or scrapped. Furthermore, the clause appears to assume the construction of multiple screens (e.g., on an assembly line process), but the parent claim refers to the manufacture of only a single screen. The examiner recommends deleting the clauses.

Claims 13-15 are rejected only for the features of parent claim 12.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Saulnier (U.S. Patent 3,582,390, hereafter '390).

'390 teaches a method of manufacturing a luminescent screen for cathode ray tubes having deposits of phosphor powder (col. 6, lines 51-64) on an interior of a faceplate (Abstract) comprising:

applying a film formulation over said deposits to form a lacquer film, said film formulation having at least one water-insoluble film-forming resin (i.e., lacquer) and water and hydrogen peroxide (i.e., at least two solvents, one of which (water) is a non-solvent for the water-insoluble resin) (col. 3, lines 42-54);

applying a thin layer of aluminum on said film (col. 7, lines 50-69); and

exposing the screen to sufficiently high temperature to volatilize any organic components (col. 8, lines 4-8).

Claim 2: The resin may be an acrylate resin (col. 3, lines 48-53).

Claim 5: The film formulation may be applied by spin coating (col. 6, lines 65-72).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 4, 7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saulnier '390 in view of Ritt et al. (U.S. Patent 5,474,866, hereafter '866).

'390 is described above, but does not teach that the lacquer is deposited by electrostatic spraying. Col. 6, lines 65-68, lists several methods of application but indicates that other methods are possible. The selection of something based on its known suitability for its intended use has been held to support a *prima facie* case of obviousness. *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945). See MPEP 2144.07. '866 col. 6, lines 3-35 teaches that electrostatic spraying is an operative method of applying film-forming lacquers on the phosphor layers of cathode ray tubes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied the lacquer of '390 by the electrostatic spraying method of '866 with a reasonable expectation of success because '866 teaches that electrostatic spraying is an operative method of applying lacquers to phosphor layers of CRTs.

Claim 9: The resin may be an acrylate resin ('390, col. 3, lines 48-53).

Claims 10-11: The phosphor elements may be stripes or dots ('390, col. 6, lines 42-45).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saulnier '390 in view of Lerner et al. (U.S. Patent 3,821,009, hereafter '009)

'390 is described above, but does not teach that microcrystals are deposited to the lacquer film before applying the aluminum layer. '009 teaches microcrystals of ammonium oxalate are applied to the lacquer film prior to depositing the aluminum film to prevent blistering of the aluminum film upon bake-out of the lacquer (col. 3, lines 15-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have deposited ammonium oxalate microcrystals on the lacquer film before depositing the aluminum because '009 teaches that the microcrystals would have minimized blistering of the aluminum film on bake-out.

Allowable Subject Matter

9. Claims 12-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Processes of metallizing phosphor screens by fixing the phosphors, applying a lacquer to the phosphors, applying a metal film to the lacquer, and volatilizing the organic components are known. (e.g., Saulnier '390 and Ritt '866, discussed above.) They teach that the lacquer may comprise alkyl methacrylates, such as PMMA, and that the lacquer formulation may contain MIBK. However, the prior art does not fairly teach or suggest the use of a lacquer composition comprising methyl isobutyl ketone, PMMA, and linalyl acetate in the context of metallizing a phosphor screen.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cleveland whose telephone number is (703) 308-2331. The examiner can normally be reached on Tuesday-Friday and alternate Mon, 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Michael Cleveland
Patent Examiner